

ESTTA Tracking number: **ESTTA187044**

Filing date: **01/16/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	JoannaVilleneuve
Granted to Date of previous extension	01/16/2008
Address	c/o Borden Ladner Gervais LLP 1000 Rue de la Gauchetiere Ouest, Suite Montreal, QU H3B 5H4 CANADA

Name	MelanieVilleneuve
Granted to Date of previous extension	01/16/2008
Address	c/o Borden Ladner Gervais LLP 1000 Rue de la Gauchetiere Ouest, Suite Montreal, QU H3B 5H4 CANADA

Attorney information	Robert M. O'Connell, Jr. Goodwin Procter LLP Exchange Place Attn: Trademark Administrator Boston, MA 02109 UNITED STATES tadmin@goodwinprocter.com Phone:617-570-1000
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Applicant Information

Application No	79030057	Publication date	09/18/2007
Opposition Filing Date	01/16/2008	Opposition Period Ends	01/16/2008
International Registration No.	0901438	International Registration Date	12/14/2005
Applicant	Goldstar Holdings Corp Charlotte House Charlotte Street; Nassau BAHAMAS		

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: clothing, footwear, head wear, helmets, gloves, belts, goggles all for protection against accidents, irradiation and fire; luminous and mechanical signs; sun glasses, spectacles and cases therefore; anti-theft warning apparatus for motor cars; remote locking apparatus, namely electric locks; mobile phones and accessories, namely mobile phone batteries and mobile phone covers; encoded and magnetic debit cards; batteries; communication apparatus namely pagers; radio receivers; satellite apparatus, namely satellite

dishes; video apparatus and cassettes, namely video cassette recorder and blank video cassette tapes; audio apparatus and cassettes, namely audio cassette recorders and blank audio cassette tapes; compact disc apparatus and discs, namely compact disc recorders and blank recordable compact discs; digital apparatus, namely digital cameras; measuring instrumentation and apparatus, namely digitizers; books on compact discs and audio cassette tapes about auto racing; motion picture films, audio tapes and compact discs all about auto racing; CD-ROMs about auto racing; photographic apparatus, namely cameras; recording apparatus, namely digital video recorders; binoculars; computers, computer hardware and computer peripherals; computer software for computers featuring auto racing and games, blank computer discs; downloadable computer software supplied from the Internet for games in the field of auto racing; downloadable on-line electronic publications, namely books, catalogues, fact sheets, newspapers, magazines in the field of auto racing

Class 016.

All goods and services in the class are opposed, namely: stationery; advertising signs of paper; pictures; photographs; posters; ink stamps; book covers and bindings; document portfolios; newspapers; magazines in the field of auto racing; comic books; publications, namely books in the field of auto racing; manuals in the field of auto racing; catalogues in the field of auto racing; annual books in the field of auto racing; business papers, namely business cards; address books; photo albums; autograph books; diaries; scrap books; writing pads and memo blocks; binders; calendars; day planners; personal organizers; greeting cards; imitation bank notes; route maps; painting sets; printing and drawing sets consisting of drawing paper and pencils; paper knives; computer documentation, namely computer manuals for computer games in the field of auto racing; stickers; stencils; heat transfer paper; gift wrapping paper; table cloths, table linen, table mats and table napkins all of paper; stationery cases, general purpose bags, document folders in the form of wallets, letter holders, packaging in the nature of blister cards, all of either paper, cardboard or plastic; badges of paper or cardboard; mats of paper or cardboard; busts, figurines, ornaments and cameo pictures all of either paper or cardboard; or cardboard

Class 020.

All goods and services in the class are opposed, namely: statues and statuettes of wood, wax, plaster or plastic; name badges of plastic; busts, figurines and ornaments of bone, ivory, plaster, plastic, wax or wood, ornaments of plastic with cameos

Class 025.

All goods and services in the class are opposed, namely: clothing, namely shirts, shorts, pants, dresses, skirts, sweaters, coats, T-shirts, clothing belts, footwear and headwear

Class 028.

All goods and services in the class are opposed, namely: toys, namely crib toys; playthings namely action figures; games, namely board games and card games; sporting articles, namely tennis rackets; bags especially designed for sport items; play balloons; bath toys; Christmas novelties namely ornaments and decorations; toy construction sets; dart games and apparatus, namely dart boards; dice games; educational playthings, namely arcade-type electronic education video games; electronic toys and games, namely hand held units for playing electronic games; modeled plastic toy figurines; footballs and football apparatus, namely pumps for inflating footballs; gloves for games, namely golf gloves; fitness apparatus, namely exercise machines; inflatable playthings, namely bath toys; jigsaw puzzles; kites; model vehicles and toy model train sets; toy garages; paper toys, namely dolls; paper streamers; plastic model airplane; play tents; plush and soft sculpture toys; puzzles; ride on or in toy bicycles and toy vehicles; in-line skates and roller skates; skate boards; sail boards and surfboards; bob-sleighs; toy vehicle tracks and racing sets; toy money boxes; party novelties, namely party favors in the nature of small toys

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Word Mark	GILLES VILLENEUVE
Goods/Services	Any goods or services relating to or featuring the name, image, likeness and/or biography of Gilles Villeneuve.

Related Proceedings	None known.
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Attachments	VilleneuveOpp.pdf (3 pages)(115353 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/Robert M. O'Connell, Jr./
Name	Robert M. O'Connell, Jr.
Date	01/16/2008

UNITED STATES PATENT & TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL & APPEAL BOARD

JOANNA VILLENEUVE and)	
MÉLANIE VILLENEUVE,)	
)	
Opposers,)	Mark: GILLES VILLENEUVE
)	Serial No.: 79/030,057
v.)	Published: 18 September 2007
)	
GOLDSTAR HOLDINGS CORP.)	Opposition No. _____
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

In the matter of Application Serial No. 79/030,057, filed on December 14, 2005, by Applicant Goldstar Holdings Corp., for the mark GILLES VILLENEUVE: Opposers Joanna Villeneuve and Mélanie Villeneuve, both Canadian citizens having an address care of Borden Ladner Gervais LLP, 1000 de La Gauchetière Street West, suite 900, Montréal, Québec, Canada H3B 5H4, believe they will be damaged by the registration of the mark shown in the above-identified application, and hereby oppose the same in accordance with the provisions of Section 13 of the Act of July 5, 1946 (15 U.S.C. § 1063). As grounds for its opposition, Opposers states as follows.

PARTIES

1. Opposer Joanna Villeneuve is the widow, and Opposer Mélanie Villeneuve is the daughter of the late Gilles Villeneuve, a famous Canadian race car driver who died in 1982.

2. Upon information and belief, Applicant is a Bahamian company engaged primarily in managing the business affairs of Jacques Villeneuve.

SUBSTANTIVE ALLEGATIONS

3. Opposers are heirs and beneficiaries of the estate of Gilles Villeneuve, and as such succeeded to his interests in all his assets, including the trademark rights in his name GILLES VILLENEUVE.

4. Gilles Villeneuve was a highly successful and world famous Formula One race car driver who won numerous races in the United States, Canada and overseas during his racing career from 1975 until his death in a racing accident in 1982.

5. Since his death he has become an iconic figure in the history of the sport, and significant fame and goodwill are associated with his name in the U.S. and abroad.

6. On or about December 14, 2005, Applicant filed the subject application, based on International Registration No. 0901438 and claiming a long list of goods in Classes 9, 16, 20, 25 and 28.

7. Applicant has no ownership rights in the name, likeness, image or personality of Gilles Villeneuve to support a claim of trademark rights in GILLES VILLENEUVE. As a result, the statements in the declaration submitted by Applicant in connection with this application – that Applicant is entitled to use the mark in U.S. commerce and that no other person, firm, corporation, association, or other legal entity has the right to use the mark in commerce – were false.

8. Further, under these circumstances, there is a very high likelihood that purchasers and potential purchasers of Applicant's goods will be confused or deceived into believing that the goods have been authorized or endorsed by the Villeneuve family, all to the great detriment of the goodwill which Opposers hold in the GILLES VILLENEUVE name.

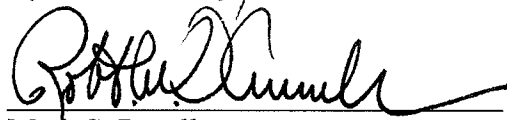
9. As a result, Opposers believe that they will be damaged by the registration by Applicant of the mark GILLES VILLENEUVE.

WHEREFORE, Opposers Joanna Villeneuve and Mélanie Villeneuve respectfully pray that this Notice of Opposition be sustained, and that the aforesaid application of Goldstar Holdings Corp. be refused registration; and for such other and further relief that the Board deems just and proper.

Respectfully submitted,

JOANNA VILLENEUVE and
MÉLANIE VILLENEUVE,

By their Attorneys,



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Dated: January 16, 2008